

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

EBONY D. WALKER,

Plaintiff,
vs.

Case No. 3:15-cv-136

MEGAN KELLY JOYCE, *et. al.*,
Defendants.

District Judge Walter H. Rice
Magistrate Judge Michael J. Newman

ORDER

This is a 42 U.S.C. § 1983 civil rights action filed by *pro se* Plaintiff Ebony D. Walker (“Walker”). Doc. 9. Defendant Montgomery County, Ohio (“the County”) filed a motion to dismiss on November 16, 2015. Doc. 14. Walker did not file a memorandum in opposition to the County’s motion, and the time for doing so has expired. Therefore, on January 7, 2016, the Court ordered Walker to show cause as to why the County’s motion should not be granted. Doc. 16. Walker failed to respond as ordered. The undersigned thereafter recommended, *inter alia*, that the County’s motion to dismiss be granted. Doc. 17. Objections to the Report and Recommendation were due on or before March 21, 2016. *See* Fed. R. Civ. P. 72(b); *see also* Fed. R. Civ. P. 6(d).

This case is now before the Court on Walker’s motion requesting “an additional 30 days . . . to respond to [the County’s] motion.”¹ Doc. 18. The Court construes Walker’s motion -- liberally, and in Walker’s favor, *see Franklin v. Rose*, 765 F.2d 82, 84–85 (6th Cir. 1985) -- as

¹ Walker requests an extension of time because he “has not received a copy or notice of [the] motion.” Doc. 18. The Court notes that: (1) the certificate of service appended to the County’s motion to dismiss certifies service upon Walker at his address of record; and (2) the Court’s Show Cause Order was served on Walker at the same address of record. Doc. 14 at PageID 63; doc. 16. The Court’s service of the Show Cause Order was not returned as undeliverable.

one seeking additional time to respond to the pending Report and Recommendation. In the interest of justice, Walker's motion for an extension of time is **GRANTED**. Any objections to the Report and Recommendation shall be filed on or before **APRIL 22, 2016**. In such context, Walker may raise any arguments he may have in response to the County's motion to dismiss. The Clerk is **ORDERED** to mail a copy of this Order -- as well as a copy of the County's motion to dismiss (doc. 14), and the March 4, 2016 Report and Recommendation (doc. 17) -- to Walker at the following address:

Ebony D. Walker
5540 Autumn Leaf Drive, Apt. 5
Trotwood, Ohio 45426

IT IS SO ORDERED.

Date: March 23, 2016

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge